









The Colonial Secretary laid on the table the minutes of last meeting of Finance Committee, and moved that the vote of £472 as a personal allowance to Mr. Bruce Shepherd therein recommended be adopted.

#### AGREED.

The Colonial Secretary laid on the table the Report of the Headmaster of the Central School, the Report of H. M. Inspector of Schools, and the Report of the Superintendent of the Fire Brigade for last year.

#### THE ARMS ORDINANCE, 1889.

The Acting Attorney General moved the first reading of the bill, the object of which he said was to consolidate the law on the subject and to amend the law by reintroducing a clause which was in the old ordinance, repealed afterwards, for the punishment of persons carrying arms contrary to the Ordinance.

#### THE VACCINATION ORDINANCE, 1889.

The Acting Attorney General moved the first reading of this bill, which he said was to give effect to certain recommendations that had been made by a committee of the Sanitary Board. The bill, whilst re-enacting the old law, introduced amendments relating chiefly to registration, certificates of unfitness and persons vaccinated by a public vaccinator.

#### THE RECLAMATION ORDINANCE.

The Acting Attorney General—I have to move the second reading of this measure. The scheme for the reclamation of the Praya has been long before the public, the measure has been so fully criticised, and last, not least, Your Excellency in a message on a former occasion has so fully dealt with it that I propose to offer no remarks on this occasion. At the same time, of course, any objections that are raised or made to this measure will receive due consideration from the Government. Perhaps I ought to draw your attention to one amendment proposed by me, which is not merely a verbal one, in the last clause of the bill. The clause at present reads thus:—“From and after the completion of the embankment authorized by the Ordinance, the Governor shall keep and maintain the same out of monies to be provided from the public revenues.” I propose to add the words—“save as aforesaid the Governor shall not be liable for deterioration, subsidence or damage of and to said embankment.” The object of that amendment I think speaks for itself.

Mr. Rye—Before passing the second reading of this Ordinance I wish to say a word or two with regard to it. Although, as a whole, I am in favour of it, I wish to make this proviso, that all private interests shall be safeguarded and compensation given where loss is shown. I particularly refer to wharves. If the companies who run steamers on the river are to be deprived of their wharves and, merely as, as is stated in the Ordinance, partial compensation, to these companies. The benefit of the wharves to river steamers is very great indeed, and the sum that is named in this ordinance, \$180,000, to be divided among the Government and private wharves, will be totally inadequate for the loss which the steamship companies would sustain must be calculated by hundreds of thousands of dollars. This scheme may be said to be for a public purpose as far as the widening of the Praya is concerned, but must not be least of that it will bring very large profits to private individuals, and what I would say in regard to any bill passed by this Council is, that it should not allow private individuals to benefit to the detriment of other private individuals, and an especially referring now to the owners of steamer wharves. They should be compensated in every way for the loss they sustain, and as the river traffic of this Colony is a very material part of its trade it should not be overlooked when we come to pass this bill. My other objection is as to holders of sections: if they are to be thrown upon the men who hold the Crown lands, no end of litigation will follow. In many instances I believe the holder of the Crown land does not own the wharf front, but the sub-tenants are the actual owners of the wharf fronts. Again, some of the lot holders say that their lots will be depreciated by this scheme. Their cases should certainly be taken into consideration and liberally dealt with. Seeing that there is such a very large amount of profit to other lot-holders I think it would be only proper that those gentlemen whose lots will be depreciated should be fully compensated. I believe there was a case at Peking not very long ago where compensation was claimed for lots being depreciated in a similar manner and that a very large award was given. It may not happen that so large an award will be given in such cases here, but at all events I think they ought to be dealt with most liberally.

His Excellency—So far as I can judge from what the hon. member has said, nothing he has said touches the general principles of the Ordinance. His objections are principally to matters of detail which would be better considered and ought to be considered in connection with any amendment that he may desire to move in committee. I have given very careful and anxious consideration to this matter. I have considered all that has been urged on the other side, everything suggested by way of improvement, and I have not come to the determination I have arrived at without having thought over the matter to the very very best of my ability. However I shall not talk about this subject now, nobody having personally expressed an opinion against the ordinance as a whole. I think the points the hon. member has touched upon may be more conveniently dealt with as they come up when the Ordinance has passed the second reading, otherwise it would only lead to the duplication of discussion on them. The question is, Shall the second reading of this Ordinance be passed?

The second reading was then passed, and the bill went into Committee on the bill.

The Acting Attorney General moved that a short title be added to the Ordinance, to be called as “The Praya Reclamation Ordinance, 1889.”

The amendment was adopted.

On the first clause, dealing with the works to be for the improvement of the colony and for a public purpose within the meaning

of that term as contained in the Crown leases of lands in the colony.

Mr. Layton asked—Does this clause away with the power of Crown Lessees to dispose of the land?

His Excellency—I have the same objection to that sort of question as I have always had before, particularly when we are discussing a bill of this kind.

Mr. Rye—The hon. member has asked that they should make up their minds as to what amendments they should propose before this clause is put to the vote.

His Excellency—It is their business to consider carefully every minor coming before the Council, and if they do not approve of its bearing to bring forward an amendment. Of course that may be construed too strictly, but for members to come in here and then at the last stage of a measure make an inquiry as to the effect of a certain thing, when its effect might have been ascertained at an earlier stage, is inconvenient and irregular. Members have an opportunity of satisfying themselves entirely on all these points in the many weeks that have elapsed since this Ordinance was published and it is really taking up time unnecessarily to put them at a time which to say the least is irregular and inconvenient. It is so happens that this question may be very easily answered, and I don't object to doing it, only I would point out for the sake of preventing it in future that it is irregular.

Mr. Layton—I apologise, Sir, for having put the question at the wrong time, but I am sure it will be answered.

His Excellency—On, please don't apologise; I am merely referring to this as a matter of procedure.

Mr. Layton—I don't wish to introduce any amendment, but I have heard others object to it. I merely wished to make an inquiry on this point.

His Excellency—I am perfectly willing to answer the question as the hon. member is now presenting it, but I am quite sure if you will refer to the procedure of legislative assemblies elsewhere you will find that it is quite an irregular thing to do.

Mr. Rye—The hon. member has said that the subject has not been thought over or that he has not made up his mind one way or another. It is quite possible by thinking over a thing to determine one way or another.

Mr. Rye—It is not the practice hitherto to ask questions on points of this kind of some official, not necessarily of the Governor.

His Excellency—But not at this stage?

Mr. Rye—This is the last stage there is a chance.

His Excellency—But, don't you see, this bill has been published three weeks, and it is exactly for the purpose of allowing members making up their minds before the bill is published three weeks before, and if members come into the Council at the end of that period still in doubt on the subject it renders useless that long publication, as any point can be discussed from the first moment it is published.

Mr. Rye—The hon. member has said that he is not able to make up his mind on this as the Governor is. I mean any man of intelligence. If he is in doubt and it is in legal question, he will refer to the Colonial Secretary and have legal opinion upon it, that he may have some definite ground for moving an amendment. What I object to is people coming here in a hazy state of mind, and then making a motion, which is very inconvenient, this system with having paid any attention at all to the subject before coming into the Council.

Mr. Rye said he thought his Excellency was mistaken. Such questions were asked in the past, and he might be asked to not necessarily by the Governor but either by the Colonial Secretary or the Attorney General.

His Excellency repeated that the proper course was to have these points settled beforehand or to move an amendment to the clause which would prevent the clause having the effect which the hon. member objected to. That was really the only legal way. However, he was only glad to give an opinion, only he would have been much more glad to have furnished it before, as this view might have been taken three or four months ago.

Mr. Layton—I must apologise, as I said before.

His Excellency—No, please don't apologise, especially as the oldest member of the Council says it has been very common here.

Mr. Layton being asked to repeat his question said—You can resume Crown Lands where you can declare it is for a public purpose; does this prevent the Crown lessees from fighting the case?

The Acting Attorney General—I think I can answer the hon. member. I understand the question is this—can the Government, having declared those lands for a public purpose, resume any lands? Certainly not, but they can resume any lands that are not the subject of this Ordinance.

Mr. Rye said he failed to see the object of the clause.

His Excellency said he had not drafted the ordinance, and he was bound to say he rather agreed with the hon. member. In some respects he should have liked, rather than have any question of compensation where there were dissentions, that they should be able to resume their property under this ordinance, but he came to the conclusion that this would not work. The clause had been put there by those who had high legal qualifications and he presumed it had some object, although at the moment he could not see it.

His Excellency said as far as he could see it could not possibly do any harm. In some respects he should have liked, rather than have any question of compensation where there were dissentions, that they should be able to resume their property under this ordinance, but he came to the conclusion that this would not work.

Mr. Rye—These wharves are very expensive, and there will be, I fear, little left for private wharves.

Mr. Chatter—My hon. friend appears to have a grievance. I am bound to state that the supposed damage is in my opinion wholly imaginary. I repeat the hon. member only spoke to me on that point two or three minutes ago. If he had spoken to me before I could have told him that the wharves would be compensated for any loss they might suffer by the Ordinance.

Mr. Rye—I strongly object to the doing away with the wharves.

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His Excellency—I did not understand the hon. member to allude to wharves at all.

Mr. Rye—Stearns will not go and lie along the side. You must have piers. Mr. Chatter—In my opinion there will be no harm or damage to this colony. This compensation with a little added will get now wharves and as great if not greater facilities than at present.

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Mr. Rye said he was satisfied as regards piers and raised no objection to the action passing.

The Ordinance with some slight amendments was then passed with the exception of one of the schedules.

Mr. Rye—I do not propose to go any further to-day, because the Public Works Department have not yet finished the schedules. There is one point, however, which I expected would lead to discussion, that is with reference to the compensation of the wharves. The Ordinance puts me in a most invidious position which I would be glad to do. I had no part in drafting this Ordinance and certainly no part in the consideration of the wharves. I am, however, a lawyer, who considered the whole that it was the best course to pursue in consideration of all the circumstances. It is my duty that I shall have to exercise with very great care, and I should exercise it with very much respect to the recommendation of the Secretary of State that the lot of the dissentient should be returned, in which case the fullest compensation would be made to the dissentient. I am not prepared to make any recommendation to a Board to which impartiality is not known that would imply my impartiality, as a lawyer, in such a position. I am, however, a lawyer, who considered the whole that it was the best course to pursue in consideration of all the circumstances.

The Acting Attorney General—I understand the hon. member to refer to the wharves. They are simply private owners. Whatever use they may be to the present lessees, the Government can't take them over and be their tenants, and therefore they will be no exception whatever in the eye of the law.

Mr. Rye—The owner of the lot opposite gets rent for these wharves.

The Acting Attorney General—He is one of the marine lot-owners and he will either be a tenant or he will have his claim to compensation.

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